IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 22245 of 1995

Between:

1 BORIGI SEETA RAMA SWAMY S/O BORIGI SEKAIAH
C/O ANNAPOORNA MEDICAL AND GENERAL STORES, TEMBURU ROAD, TEKKALI, SRIKAKULUM
2 BORIGI KRISHNA MURTHY ALIAS S/O BORIGI SEKAIAH
D.NO. 7-2-67, NELLORI STREET, TEKKALI, SRIKAKULUM DIST.

..... PETITIONERS

AND

1 DIST. COLLECTOR, SRIKAKULUM
2 R D O., TEKKALI, SRIKAKULUM
3 M R O.. TEKKALI (M), SRIKAKULUM

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ one more particularly in the nature of writ of certiorari calling the records pertaining to the proceedings of the dist. collector Srikakulum, issued in the 4(1) notification under the land acquisition act published in the dist. gazzette in RC no. 491/94 SWLA dt. 30/8/94 collectors officer, Srikakulum and consequential notification in rc no 491/94 SWLA dt. 11/9/95 (published on 22/9/95) under sec- 9(1) of the act and quash the same by declaring it as illegal arbitrary to the provisions of the land acquisition act and violative of art 14, 21 and 300-a of the constitution of India a part from violative of principles of natural justice and to pass.

Counsel for the Petitioners: MR.J.VENUGOPAL RAO

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following :

ORAL ORDER:

This writ petition is filed questioning the proceedings of the 1st respondent issued under the 4(1) notification under the Land Acquisition Act, published in the District Gazette in R C No. 491 of 1994 SWLA dated 30-8-1994 and consequential notification in RC No. 491 of 1994SWLA dated 11.9.1995 issued under Section 9(1) of the Act and to quash the same by declaring it as illegal and arbitrary.

The case of the petitioners is that the respondents are trying to acquire their lands without issuing any notice to them as required under Section 5(A) of the Land Acquisition Act (for short 'the Act') and that though there are other lands which are waste lands and can be acquired, the respondents, for the reasons best known to them, are trying to acquire their lands only, that too without following due process of law.

However, today, when the matter is taken up for hearing, the learned Government Pleader for Land Acquisition, appearing for the respondents submitted, on instructions from the office of the Collector, Srikakulam, in RC No. 492 of 1994, SWLA, dated 10-12-1997 to the effect that the petitioners have received compensation with reference to the subject matter of the writ petition and no adjudication is required in this case.

Recording the above submission, the writ petition is closed. No costs.

Kvsn 09-12-2004

To

1 The District Collector, Srikakulam.
2 The Revenue Divisional Officer,
Tekkali, Srikakulam District.
3 The Mandal Revenue Officer, Tekkali Mandalam,
Tekkali, Srikakulam District.

4 Two CCs to G.P. for Land Acquisition, High Court buildings, Hyderabad.

5 Two CD copie